



Fw: CCMA: Board of Supervisors Meeting 11/6/12; Agenda Item for In-Lieu Fund Criteria

Board of Supervisors to: cr_board_clerk Clerk Recorder
Sent by: Fran Zohns

11/05/2012 10:18 AM

----- Forwarded by Fran Zohns/BOS/COSLO on 11/05/2012 10:18 AM -----

From: Robyn Lara-Faure <RLara-Faure@amblaw.com>
To: "boardofsups@co.slo.ca.us" <boardofsups@co.slo.ca.us>
Cc: Dennis Law <dlaw@amblaw.com>
Date: 11/05/2012 09:24 AM
Subject: CCMA: Board of Supervisors Meeting 11/6/12; Agenda Item for In-Lieu Fund Criteria

Attached is a letter of this date from the Central Coast Motorcycle Association re agenda item for In-Lieu Fund Criteria for hearing 11/6/12.

Thank you.

Robyn Lara-Faure
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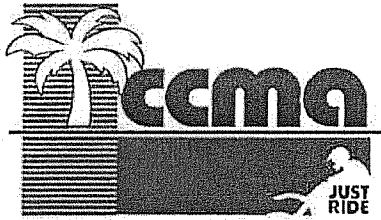


signed 11512 letter to BOS re meeting 11612 pdf.pdf

Item # 16 Meeting Date: 11/06/2012

Presented by: Robyn Lara-Faure

Received prior to meeting and posted to web
on: November 5, 2012



**CENTRAL COAST
MOTORCYCLE ASSOCIATION**
SAN LUIS OBISPO, CA

Central Coast Motorcycle Association P.O. Box 4942 San Luis Obispo, CA 93403

November 5, 2012

Board of Supervisors
County of San Luis Obispo

RE: Meeting date November 6, 2012, Agenda Item for In-Lieu Fund Criteria

Dear Honorable Members of the Board:

On behalf of the Central Coast Motorcycle Association ("CCMA") we would like to thank you for your initiative in developing evaluation criteria for the Off-Highway Motor Vehicle In-Lieu Fee Fund. For the most part, the proposed criteria are appropriate and fair and the CCMA supports what has been proposed.

However, there is a technical change that the CCMA would suggest that will more closely align the criteria with the applicable state statute, Public Resources Code section 5090.50. Sections 1.a and b of the proposed criteria refer to a) projects that sustain existing off-highway motor vehicle recreation opportunities, and b) projects that improve facilities that provide motorized access to non-motorized recreation activities.

Section 5090.50 states that guidelines implementing these criteria should at a minimum "give *preference*" to applications that *sustain* existing off-highway motor vehicle recreation opportunities, and "give additional *consideration*" to applications that improve facilities that provide motorized access to non-motorized recreation opportunities. It thus appears that the legislature has applied different weight to these two criteria, giving *preference* to applications that sustain OHV use and giving only *consideration* to motorized access to non-motorized use. This makes sense because the funds that are being allocated constitute fees paid by OHV users (Vehicle Code sections 38230 and 38240) and section 5090.50 is a part of Chapter 1.25 entitled Off-Highway Motor Vehicle Recreation. Section 5090.02 recites the legislative findings for Chapter 1.25 which essentially recognizes OHV uses and provides for the management of such uses.

The CCMA makes the following suggested changes in the proposed evaluation criteria:

1.a) Immediately following the existing sentence, add the following phrase: "Preference to this category will be given pursuant to Public Resource section 5090.50(b)(1)(B)(i)."

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1.b) Immediately following the existing sentence, add the following phrase: "Additional consideration to this category will be given pursuant to Public Resource Code section 5090.50(b)(1)(B)(ii)."

We feel these changes will properly align the evaluation criteria with the letter and spirit of the enabling state statutes.

Thank you once again for adopting evaluation criteria and for the opportunity to provide this comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis D. Law", with a stylized, flowing script.

Dennis D. Law, Secretary

cc: (via e-mail)
Ken Breese, CCMA President
Bruce Whitcher, Legislative Affairs Director
Elizabeth Kavanaugh, General Services
Curtis Black, Department of Parks and Recreation